

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

ALLEGIANCE COAL USA LIMITED,
et al.,

Debtors.¹

Chapter 11

Case No. 23-10234 (CTG)

Joint Administration Requested

**AMENDED² NOTICE OF (I) FILING OF CHAPTER 11 PETITIONS AND RELATED
DOCUMENTS AND (II) AGENDA FOR VIDEOCONFERENCE HEARING SCHEDULED
FOR FEBRUARY 23, 2023, AT 2:00 PM (E.T.)**

This remote hearing will be conducted entirely over Zoom and requires all participants to register in advance. Please register prior to the hearing.

COURTCALL WILL NOT BE USED FOR THIS HEARING.

Please use the following link to register for this hearing:

<https://debuscourts.zoomgov.com/meeting/register/vJltceypqDwqHnk8s5OpgRPAUds4qTmEmAo>

After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.

**YOU MUST USE YOUR FULL NAME WHEN LOGGING INTO ZOOM OR
YOU WILL NOT BE ALLOWED INTO THE MEETING.**

Topic: In re Allegiance Coal USA Limited, *et al.*

Time: February 23, 2023 at 2:00 PM Eastern Time (US and Canada)

PLEASE TAKE NOTICE that, on February 21, 2023, Allegiance Coal USA Limited and its affiliated debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) filed the following voluntary petitions (collectively, the “Petitions”) for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal EIN, are as follows: Allegiance Coal USA Limited (1324); New Elk Coal Holdings LLC (1314); New Elk Coal Company LLC (0615); and Black Warrior Minerals, Inc. (6486). The Debtors’ mailing address for purposes of these chapter 11 cases is 12250 Highway 12, Weston, CO 81091.

² Amended items in **bold**.

“Bankruptcy Code”), and related motions with the United States Bankruptcy Court for the District of Delaware. A motion has been filed with the Court requesting that the chapter 11 cases of the Debtors be jointly administered for procedural purposes only. The Debtors continue to operate their business as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The automatic stay of section 362(a) of the Bankruptcy Code is in effect.

PETITIONS

1. Voluntary Petitions (see attached **Exhibit A**)

Related Documents:

- a) Notice of Hearing to Consider First Day Papers (D.I. [11](#), filed 2/23/23).

DECLARATION IN SUPPORT OF FIRST DAY PLEADINGS

2. Declaration of Jonathan Romcke in Support of Emergency Relief (D.I. [10](#), filed 2/22/23).

MATTERS GOING FORWARD

3. Debtors’ Motion for Entry of an Order Directing Joint Administration of Chapter 11 Cases (D.I. [5](#), filed 2/22/23).

Status: This matter will be going forward.

4. Motion of the Debtors for Interim Order Authorizing the Debtors to Honor Prepetition Workforce Obligations (D.I. [6](#), filed 2/22/23).

Status: This matter will be going forward.

5. Motion of the Debtors for Entry of an Interim Order (I) Authorizing Debtors to (A) Continue their Existing Cash Management System, (B) Maintain their Bank Accounts and Existing Business Forms, (C) Implement Changes to the Existing Cash Management System as Necessary, and (D) Continue Ordinary Course Intercompany Transactions, (II) Extending the Time to Comply with the Requirements of 11 U.S.C. § 345(b) and the U.S. Trustee’s Operating Guidelines, and (III) Granting Related Relief (D.I. [8](#), filed 2/22/23).

Status: This matter will be going forward.

6. Debtors’ Motion for Interim Order (I) Authorizing The Debtors to Utilize Cash Collateral; (II) Granting Adequate Protection to the Prepetition Lender; (III) Waiving Any Stay of the Effectiveness of the Relief Granted; and (IV) Granting Related Relief (D.I. [9](#), filed 2/22/23).

Status: This matter will be going forward on a contested basis. The Prepetition Lender opposes the motion.

DEBTORS' WITNESS LIST

The Debtors intend to offer testimony from Jonathan Romcke, Chief Executive Officer, Chris Walker, Chief Financial Officer, and/or Sylvester Miniter of Durham Capital Corporation in support of the foregoing motions.

PLEASE TAKE FURTHER NOTICE that parties who wish to participate in the First Day Hearing may do so by registering via the following link: <https://debuscourts.zoomgov.com/meeting/register/vJltceypqDwqHnk8s5OpgRPAUds4qTmEmAo>. Once registered, parties will receive an email providing them with the log-in information for the hearing.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the First Day Motions may be made at the First Day Hearing.

Dated: February 23, 2023
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Evanthea Hammer

Robert J. Dehney (No. 3578)
Matthew B. Harvey (No. 5186)
Paige N. Topper (No. 6470)
Taylor M. Haga (No. 6549)
Evanthea Hammer (No. 7061)
1201 N. Market Street, 16th Floor
Wilmington, Delaware 19801
Telephone: (302) 658-9200
Facsimile: (302) 658-3989
rdehney@morrisnichols.com
mharvey@morrisnichols.com
ptopper@morrisnichols.com
thaga@morrisnichols.com
ehammer@morrisnichols.com

*Proposed Counsel to the Debtors and
Debtors in Possession*